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6 SHERIFF LAURIE SMITH and
7 COUNTY OF SANTA CLARA

8
9 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(San Francisco)

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11 TOM SCOCCA, MADISON SOCIETY,) No. CV11-01318 EMC
12 INC., and THE CALGUNS)
13 FOUNDATION, INC.,) **STIPULATION AND [PROPOSED] ORDER**
14 Plaintiffs,) **TO CONTINUE HEARING ON**
15 v.) **DEFENDANTS' MOTION TO DISMISS**
16 SHERIFF LAURIE SMITH (In her)
17 individual and official capacity.),)
18 COUNTY OF SANTA CLARA, and)
DOES 1 to 20,)
Defendants.)

19 On November 28, 2011, the United States Court of Appeals for the Ninth Circuit granted
20 *en banc* review of *Nordyke v. King*, Case No. 07-15763. The *Nordyke* case involves Second
21 Amendment issues that may be relevant to issues raised in the pending motion to dismiss in the
22 above-captioned action. The parties would like additional time to evaluate the issues and make
23 a determination about whether to seek a stay of this matter in light of the pending *en banc*
24 review in *Nordyke*. Accordingly, the parties stipulate to continue the hearing on the pending
25 motion to dismiss to January 6, 2012, at 1:30 p.m.

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I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

MIGUEL MÁRQUEZ
County Counsel

Dated: December 1, 2011

By: /S/
MELISSA R. KINIYALOCTS
Deputy County Counsel

Attorneys for Defendants
SHERIFF LAURIE SMITH AND
COUNTY OF SANTA CLARA

LAW OFFICES OF DONALD KILMER

Dated: December 1, 2011

By: /S/
DONALD E.J. KILMER, JR., ESQ.

Attorneys for Plaintiffs
TOM SCOCCA, MADISON SOCIETY,
INC., and THE CALGUNS
FOUNDATION, INC.

ORDER

Pursuant to the Stipulation of the parties the Motion to Dismiss is hereby continued to
January 6, 2012 at 1:30 p.m.

Dated: _____

HONORABLE EDWARD M. CHEN
United States District Court Judge